

The Honorable Marsha J. Pechman

IN THE UNITED STATES DISTRICT COURT

IN THE WESTERN DISTRICT OF WASHINGTON STATE

TRAVIS GLENN,

Plaintiff,

vs.

TRIDENT SEAFOOD COMPANY,

Defendant.

No. 2:20-cv-01583 MJP

STIPULATED MOTION TO CONTINUE  
DISCOVERY DEADLINES – SO ORDERED

NOTE ON MOTION CALENDAR:

September 29, 2021

**I. STIPULATED MOTION**

Pursuant to Local Rule 10(g) for the Western District of Washington, Plaintiff Travis Glenn (“Glenn”) and Defendant Trident Seafood Company (“Trident”) by and through their respective attorneys, hereby submit this stipulated motion requesting the Court to extend the discovery cut off date by 60-days, from November 12, 2021 to January 10, 2022, and to extend the deadline for filing and noting all motions related to discovery from October 13, 2021, to December 12, 2021. This case concerns employment discrimination and retaliation that allegedly occurred in Sand Point, Alaska.

Trident is a seafood harvesting and processing company based in Seattle, Washington, with operations in various remote locations of Alaska which function seasonally. Glenn was hired to work on the production line in Sand Point, Alaska in 2019 as a seafood processor. Glenn seeks to take a number of depositions of processors and managers who are currently based in two remote locations, Sand Point and Akutan, Alaska. At this time, Trident’s employees are at the height of the processing season and are working long hours and are moving between plants. Additionally,

1 due to the remote location internet and cell coverage are spotty.

2 Trident needs time to prepare its employees for depositions, including discussing the  
3 process, each employee's role, and making them available for a video or audio depositions. Given  
4 the long shifts, scarce reception, and time difference between Alaska and Washington, scheduling  
5 depositions will take more time than usual. If reception cuts out, the depositions may need to be  
6 rescheduled or extended.

7 Additionally, a key witness to the matter, Maskym Khoroshevsky, has returned home to  
8 Ukraine and Trident is currently looking to locate him, contact him, and ensure his availability. He  
9 will likely be returning to Alaska in January to work for Trident in its next fishing season.

10 Federal Rule of Civil Procedure 16(b)(4) governs the modification of scheduling orders  
11 and discovery plans. It provides that "[a] schedule may be modified only for good cause and with  
12 the judge's consent." Fed. R. Civ. P. 16(b)(4). The good cause inquiry focuses primarily on the  
13 movant's diligence. *Johnson v. Mammoth Recreations*, 975 F.2d 604, 609 (9th Cir. 1992). Local  
14 Rule 10(g) supplements Fed. R. Civ. P. 16 and provides "[i]f a stipulated motion would alter dates  
15 or schedules previously set by the court, the parties shall clearly state the reasons justifying the  
16 proposed change." Local Rule 16(b)(5) provides that "[m]ere failure to complete discovery within  
17 the time allowed does not constitute cause for an extension or continuance".

18 There is good cause for a short discovery extension, and this is not a case of "mere failure  
19 to complete discovery". The circumstances of the case are unique, and the parties have not  
20 neglected the case. In fact, the parties have forged a good working relationship to obtain what the  
21 parties agree is relevant information in the matter, but due to the nature of the Pollock fishing  
22 season, which Trident is currently processing, depositions have been difficult to schedule. From  
23 June through the end of October the Pollock fishing season is at its busiest and requires employees  
24 to be in remote areas of Alaska which have spotty internet coverage. Further, this time of season  
25 requires all employees to work long days and frequently run into overtime.

26 Furthermore, until recently, Trident has been supplementing its discovery responses in  
27 response to Glenn's objections to those responses. Trident just recently completed its

1 supplementation and this, too, needed to precede depositions, making it difficult to schedule  
2 depositions before this time.

3 In addition, one of the employees, whose deposition is essential, Maskym Khoroshevsky,  
4 has returned home to Ukraine as his work visa was expiring. Although Glenn requested (more than  
5 once) Mr. Khoroshevsky's deposition before he left the country, Trident could not get the  
6 information relayed to Mr. Khoroshevsky before he was laid off and required to return to Ukraine.  
7 Trident is working to track him down and hopes he will return for the fishing season beginning in  
8 January. Thus allowing a discovery extension will provide Plaintiff the proper time to obtain  
9 Khoroshevsky's deposition.

10 Trial is scheduled for April 11, 2022. Discovery will still be completed three months in  
11 advance so a discovery extension will not cause delay. As such, the parties respectfully request a  
12 60-day extension of the discovery cutoff date to allow depositions of key employees to occur  
13 without causing undue burden on Trident's current season, and a concomitant 60-day extension of  
14 the discovery motions date.

15 DATED this 29<sup>th</sup> day of September, 2021

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23 Attorney for Plaintiff

Attorney for Defendant

24 **IT IS SO ORDERED**

Dated this 4th day of October, 2021.

25 

26 Marsha J. Pechman

27 United States Senior District Judge